



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3087

by Rep. Peter Breen

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Local Records Act. Requires a unit of local government or school district with an annual budget of \$1 million or more to maintain an Internet website and post to that website, for the current calendar or fiscal year, as the case may be, the following information: (1) contact information for elected and appointed officials; (2) notice of and materials prepared for regular and emergency meetings; (3) procedures for requesting information from the unit of local government or school district; (4) annual budget; (5) ordinances under which the unit of local government or school district operates; (6) procedures to apply for building permits and zoning variances; (7) financial reports and audits; (8) information concerning employee compensation; (9) contracts with lobbying firms; (10) taxes and fees imposed by the unit of local government or school district; (11) rules governing the award of contracts; (12) bids and contracts worth \$25,000 or more; (13) campaign contributions made by a vendor; (14) a debt disclosure report; and (15) public notices. Sets forth requirements concerning a searchable expenditure and revenue database. Provides that any citizen who is a resident of the unit of local government or school district may bring a mandamus or injunction action to compel the unit of local government or school district to comply with the Internet posting requirements. Provides a posting in perpetuity clause. Limits home rule powers. Amends the Civil Administrative Code of Illinois. Clarifies that the webmaster must compile and update the ITAP database with information from all units of local government and school districts. Amends the State Mandates Act to require implementation without reimbursement. Contains a severability clause. Effective immediately.

LRB099 10724 AWJ 31016 b

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Department of Central Management Services  
5 Law of the Civil Administrative Code of Illinois is amended by  
6 changing Section 405-335 as follows:

7 (20 ILCS 405/405-335)

8 Sec. 405-335. Illinois Transparency and Accountability  
9 Portal (ITAP).

10 (a) The Department, within 12 months after the effective  
11 date of this amendatory Act of the 96th General Assembly, shall  
12 establish and maintain a website, known as the Illinois  
13 Transparency and Accountability Portal (ITAP), with a  
14 full-time webmaster tasked with compiling and updating the ITAP  
15 database with information received from all State agencies as  
16 defined in this Section. Within 6 months of the effective date  
17 of this amendatory Act, ITAP shall have the capability to  
18 compile and update the ITAP database with information received  
19 from all school districts and units of local government  
20 including, but not limited to, counties, townships, library  
21 districts, and municipalities. Subject to appropriation, the  
22 full-time webmaster must also compile and update the ITAP  
23 database with information received from all school districts

1 and units of local government including, but not limited to,  
2 counties, townships, library districts, and municipalities.

3 (b) For purposes of this Section:

4 "State agency" means the offices of the constitutional  
5 officers identified in Article V of the Illinois Constitution,  
6 executive agencies, and departments, boards, commissions, and  
7 Authorities under the Governor.

8 "Contracts" means payment obligations with vendors on file  
9 with the Office of the Comptroller to purchase goods and  
10 services exceeding \$10,000 in value (or, in the case of  
11 professional or artistic services, exceeding \$5,000 in value).

12 "Appropriation" means line-item detail of spending  
13 approved by the General Assembly and Governor, categorized by  
14 object of expenditure.

15 "Individual consultants" means temporary workers eligible  
16 to receive State benefits paid on a State payroll.

17 "Recipients" means State agencies receiving  
18 appropriations.

19 (c) The ITAP shall provide direct access to each of the  
20 following:

21 (1) A database of all current State employees and  
22 individual consultants, except sworn law enforcement  
23 officers, sorted separately by:

24 (i) Name.

25 (ii) Employing State agency.

26 (iii) Employing State division.

1 (iv) Employment position title.

2 (v) Current pay rate and year-to-date pay.

3 (2) A database of all current State expenditures,  
4 sorted separately by agency, category, recipient, and  
5 Representative District.

6 (3) A database of all development assistance  
7 reportable pursuant to the Corporate Accountability for  
8 Tax Expenditures Act, sorted separately by tax credit  
9 category, taxpayer, and Representative District.

10 (4) A database of all revocations and suspensions of  
11 State occupation and use tax certificates of registration  
12 and all revocations and suspensions of State professional  
13 licenses, sorted separately by name, geographic location,  
14 and certificate of registration number or license number,  
15 as applicable. Professional license revocations and  
16 suspensions shall be posted only if resulting from a  
17 failure to pay taxes, license fees, or child support.

18 (5) A database of all current State contracts, sorted  
19 separately by contractor name, awarding officer or agency,  
20 contract value, and goods or services provided.

21 (6) A database of all employees hired after the  
22 effective date of this amendatory Act of 2010, sorted  
23 searchably by each of the following at the time of  
24 employment:

25 (i) Name.

26 (ii) Employing State agency.

- 1 (iii) Employing State division.
- 2 (iv) Employment position title.
- 3 (v) Current pay rate and year-to-date pay.
- 4 (vi) County of employment location.
- 5 (vii) Rutan status.
- 6 (viii) Status of position as subject to collective  
7 bargaining, subject to merit compensation, or exempt  
8 under Section 4d of the Personnel Code.
- 9 (ix) Employment status as probationary, trainee,  
10 intern, certified, or exempt from certification.
- 11 (x) Status as a military veteran.
- 12 (7) A searchable database of all current county,  
13 township, library district, and municipal employees sorted  
14 separately by:
- 15 (i) Employing unit of local government.
- 16 (ii) Employment position title.
- 17 (iii) Current pay rate and year-to-date pay.
- 18 (8) A searchable database of all county, township, and  
19 municipal employees hired on or after the effective date of  
20 this amendatory Act of the 97th General Assembly, sorted  
21 separately by each of the following at the time of  
22 employment:
- 23 (i) Employing unit of local government.
- 24 (ii) Employment position title.
- 25 (iii) Current pay rate and year-to-date pay.
- 26 (9) A searchable database of all library district

1 employees hired on or after August 9, 2013 (the effective  
2 date of Public Act 98-246), sorted separately by each of  
3 the following at the time of employment:

4 (i) Employing unit of local government.

5 (ii) Employment position title.

6 (iii) Current pay rate and year-to-date pay.

7 (10) A link to a website maintained by the Department  
8 that contains a list of contact information for each State  
9 agency, including a telephone number and a link to the  
10 Agency's website. Each State agency shall be responsible  
11 for providing and updating the Department with this  
12 information.

13 (11) Information provided to ITAP pursuant to Section  
14 25 of the Local Records Act.

15 (d) The ITAP shall include all information required to be  
16 published by subsection (c) of this Section that is available  
17 to the Department in a format the Department can compile and  
18 publish on the ITAP. The Department shall update the ITAP as  
19 additional information becomes available in a format that can  
20 be compiled and published on the ITAP by the Department.

21 (e) Each State agency, county, township, library district,  
22 and municipality shall cooperate with the Department in  
23 furnishing the information necessary for the implementation of  
24 this Section within a timeframe specified by the Department.

25 (f) Each county, township, library district, or  
26 municipality submitting information to be displayed on the

1 Illinois Transparency and Accountability Portal (ITAP) is  
2 responsible for the accuracy of the information provided.

3 (g) The Department, within 6 months after January 1, 2014  
4 (the effective date of Public Act 98-283), shall distribute a  
5 spreadsheet or otherwise make data entry available to each  
6 State agency to facilitate the collection of data on the  
7 State's annual workforce characteristics, workforce  
8 compensation, and employee mobility. The Department shall  
9 determine the data to be collected by each State agency. Each  
10 State agency shall cooperate with the Department in furnishing  
11 the data necessary for the implementation of this subsection  
12 within the timeframe specified by the Department. The  
13 Department shall publish the data received from each State  
14 agency on the ITAP or another open data site annually.

15 (Source: P.A. 97-744, eff. 1-1-13; 98-246, eff. 8-9-13; 98-283,  
16 eff. 1-1-14; 98-756, eff. 7-16-14; 98-1084, eff. 1-1-15.)

17 Section 10. The Local Records Act is amended by adding  
18 Section 25 as follows:

19 (50 ILCS 205/25 new)

20 Sec. 25. Internet posting requirements for units of local  
21 government and school districts with a budget of \$1 million or  
22 more.

23 (a) A unit of local government or school district with a  
24 budget of \$1 million or more shall maintain an Internet website

1 and post to its website for the current calendar or fiscal  
2 year, as the case may be, the following information:

3 (1) The contact information, including the phone  
4 number and e-mail address, for all elected and appointed  
5 officials, the Freedom of Information Officer, the chief  
6 administrator, and the head administrator for each  
7 department.

8 (2) The agenda, board packets, and any other prepared  
9 materials of all regular meetings shall be posted at least  
10 72 hours before a meeting. The agenda, board packets, and  
11 any other prepared materials of all special or emergency  
12 meetings shall be posted at least 24 hours before a  
13 meeting. The posting shall indicate if the agendas are in  
14 draft form. The minutes from any regular or special meeting  
15 shall be posted within 72 hours of approval.

16 (3) In accordance with the Freedom of Information Act,  
17 the procedure for requesting information from the unit of  
18 local government or school district.

19 (4) The annual budget and appropriation ordinances.

20 (5) The ordinances under which the unit of local  
21 government or school district operates as of the effective  
22 date of this amendatory Act of the 99th General Assembly  
23 and all ordinances thereafter adopted.

24 (6) The procedures required to apply for building  
25 permits and zoning variances.

26 (7) Any budget, financial audit, audit schedule, or

1 special project report, including without limitation the  
2 comprehensive annual financial report, performance audits,  
3 and reports required under the Tax Increment Allocation  
4 Redevelopment Act in the Illinois Municipal Code. All  
5 reports should include the following:

6 (A) All actual revenues and expenditures for at  
7 least the 3 previous fiscal years. Any report focusing  
8 on any subset of Total should specify that only partial  
9 amounts are shown and identify the Total amount and the  
10 nature of items not included in the report.

11 (B) Revenues should be broken out by source,  
12 including the broad categories of local, State, and  
13 federal tax dollars.

14 (C) Expenditures should be separated into current  
15 operating, capital, and debt service.

16 (D) Expenditure summaries for units of local  
17 government should reflect the per-resident calculation  
18 for comparison to other governmental bodies. For  
19 schools, a per-pupil calculation should be made based  
20 on full-time or equivalent enrollment.

21 (E) Audits should include a management letter.

22 (8) A detailed list of the total compensation paid to  
23 each employee including wages, salary, overtime, and  
24 benefits, including health, dental, life, and pension.

25 (9) Contracts with lobbying firms hired by the unit of  
26 local government or school district. The name and amount of

1 money paid to lobbying associations by the unit of local  
2 government or school district.

3 (10) A detailed list of the taxes and fees imposed by  
4 the unit of local government or school district.

5 (11) The ordinances and rules governing the award of  
6 all bids and contracts for purchase in the amount of  
7 \$25,000 or more.

8 (12) All bids and contracts for purchase in the amount  
9 of \$25,000 or more.

10 (13) All campaign contributions made by a vendor to an  
11 official of the unit of local government or school  
12 district.

13 (14) A debt disclosure report that includes the  
14 following:

15 (A) sum total of all debts and liabilities;

16 (B) sum total of gross tax levy for the most recent  
17 tax year;

18 (C) gross operating budget revenue for the most  
19 recent fiscal year;

20 (D) total pension liability;

21 (E) total unfunded pension liability; and

22 (F) actuarial cost method used to calculate total  
23 pension liability and total unfunded pension  
24 liability, and other post-employment benefits,  
25 including:

26 (i) projected investment rate of return;



1           (5) the name of the budget program, activity, or  
2           category supporting the expenditure;

3           (6) a description of the purpose for the expenditure;  
4           and

5           (7) to the extent possible, a unique identifier for  
6           each expenditure.

7           The expenditure data shall be provided in an open  
8           structured data format that may be downloaded by the user and  
9           allows the user to systematically sort, search, and access all  
10           data. The web site database shall contain only information that  
11           is a public record or that is not confidential or otherwise  
12           protected from public disclosure pursuant to State or federal  
13           law.

14           The unit of local government or school district shall  
15           update the financial data contained on the web site database at  
16           least monthly, and archive the financial data, which shall  
17           remain accessible and searchable on the web site database. The  
18           database must be easily accessible from the main page of the  
19           unit of local government or school district's web site. The  
20           unit of local government or school district shall create and  
21           make easily accessible an automated Rich Site Summary (RSS)  
22           feed to which users of the web site database may subscribe for  
23           notification of updates to the database.

24           The unit of local government or school district may meet  
25           all requirements of this subsection by having the information  
26           and data required to be included on the unit's web site

1 database posted in the Illinois Transparency and  
2 Accountability Portal.

3 This subsection shall not apply until 6 months after the  
4 effective date of this amendatory Act of the 99th General  
5 Assembly.

6 (c) The information required to be posted under subsection  
7 (a) must be easily accessible from the unit of local  
8 government's or school district's home page and searchable.

9 (d) The postings required by this Section are in addition  
10 to any other posting requirements required by law or ordinance.

11 (e) If a unit of local government or school district fails  
12 to comply with this Section, then any citizen who is a resident  
13 of the unit of local government or school district may file  
14 suit in the circuit court for the county where the unit of  
15 local government or school district is located. The citizen may  
16 bring a mandamus or injunction action to compel the unit of  
17 local government or school district to comply with the  
18 requirements set forth in subsection (a). The court may impose  
19 any penalty or other sanction as it deems appropriate. The  
20 court, in its discretion, may also award to the citizen  
21 bringing the action reasonable attorneys' fees and costs.

22 (f) No home rule unit may adopt posting requirements that  
23 are less restrictive than this Section. This Section is a  
24 limitation under subsection (i) of Section 6 of Article VII of  
25 the Illinois Constitution on the concurrent exercise by home  
26 rule units of powers and functions exercised by the State.

1       (g) All local records required to be posted by this  
2       amendatory Act of the 99th General Assembly shall remain posted  
3       on the entity's website, or subsequent websites, in perpetuity.

4       Section 90. The State Mandates Act is amended by adding  
5       Section 8.39 as follows:

6       (30 ILCS 805/8.39 new)

7       Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8  
8       of this Act, no reimbursement by the State is required for the  
9       implementation of any mandate created by this amendatory Act of  
10       the 99th General Assembly.

11       Section 97. Severability. The provisions of this Act are  
12       severable under Section 1.31 of the Statute on Statutes.

13       Section 999. Effective date. This Act takes effect upon  
14       becoming law.

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Statutes amended in order of appearance

3

20 ILCS 405/405-335

4

50 ILCS 205/25 new

5

30 ILCS 805/8.39 new